

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

KRISTEN CHRISTOPHE

PLAINTIFF

V.

CIVIL ACTION NO. 22-246

**VARIETY WHOLESALERS, INC.,
and JOHN DOES 1-3**

DEFENDANTS

COMPLAINT

COMES NOW, the Plaintiff, Kristen Christophe, by and through undersigned counsel, and files this Complaint against the Defendants, and in support of her cause of action for damages, and would respectfully show unto this Court the following:

PARTIES

1. Plaintiff Kristen Christophe is an adult resident citizen of Hinds County, Mississippi.
2. The Defendant Variety Wholesalers, Inc. is a foreign business corporation licensed to do business, and doing business, in the state of Mississippi, which may be served process by its registered agent Corporation Service Company, 7716 Old Canton Road, Ste. C, Madison, Mississippi 39110.
3. John Does 1-3 are fictitious parties whose true names and capacities, whether individual, corporate, associate, or otherwise, are unknown to the Plaintiff, and therefore who are sued by such fictitious names. The Plaintiff alleges that the fictitious Defendant(s) owned, and/or controlled the premises on which the incidents alleged herein took place, and/or were employed by Variety Wholesalers, Inc. and caused or contributed to the incidents giving rise to this Complaint.

EXHIBIT 1

JURISDICTION

4. This court possesses in personam as well as subject matter jurisdiction over this civil action as the Defendants own property and conduct regular business in both Hinds County and the larger state of Mississippi, and the amount in controversy is within the statutory threshold amount.

VENUE

5. Under Miss. Code Ann. § 11-11-9 (2013) venue properly lies in the Circuit Court of Hinds County, Mississippi, as the Defendants conduct business in Hinds County, and the events giving rise to this cause of action occurred or accrued in said county.

FACTS

6. Plaintiff incorporates the preceding paragraphs fully herein by reference.

7. On April 17, 2021, Plaintiff was an invitee on the premises of the Rose's Store located at 2889 Terry Road in Jackson, Mississippi, which held itself open to the public as a retail merchandise store. Upon information and belief, this store location was owned and operated by Variety Wholesalers, Inc.

While on the premises as an invitee, Plaintiff slipped and fell on a wet floor, suffering injury. As a proximate result of slipping on the Defendants' property, Plaintiff sustained bodily injuries and damages.

CAUSES OF ACTION

I. Negligence

8. Plaintiff incorporates the preceding paragraphs fully herein by reference.

9. Defendants owed a duty to the Plaintiff as a business invitee to keep the Rose's store in a reasonable safe condition, or otherwise to warn the Plaintiff of unobvious dangerous

conditions of which the Defendants knew or should have known. Defendants breached the duty owed to the Plaintiff by, among other acts and omissions:

- A. Failing to maintain a reasonably safe premises as to allow the safe use by its business invitees;
 - B. Creating and/or failing to detect a hazardous, unsafe condition on its premises which posed potential danger to its invitees;
 - C. Failing to properly place warning signs and/or other warning devices that would have alerted invitees of the hazardous conditions and potential dangers;
 - D. Failing to properly train and supervise its managers and/or employees;
 - E. Failing to properly staff and manage the Rose's store;
 - F. Failing to have policies and procedures in place to ensure the floors are cleaned in a manner that poses no unreasonable risk of danger to its invitees;
 - G. Failing to ensure that all Rose's and/or Variety Wholesalers, Inc. policies and procedures related to cleaning and/or mopping the floors and placement of wet floor signs or other warnings were carried out and otherwise adhered to.
10. As a direct and proximate result of these and other of the Defendants' negligent

acts and/or omissions, the Plaintiff suffered injury.

II. Gross Negligence

11. Plaintiff incorporates the preceding paragraphs fully herein by reference.

12. The Defendants' conduct as described herein constitutes willful, reckless, wanton, and otherwise grossly negligent behavior. The conduct of all the Defendants rises to such a level that the Plaintiffs are entitled to punitive and exemplary damages in a sufficient amount to punish and deter the Defendants, and others similarly situated, from engaging in such conduct in the future.

III. Respondeat Superior

13. Plaintiff incorporates the preceding paragraphs fully herein by reference.

14. All of the Defendants are liable for the negligent and/or intentional acts or omissions of their respective employees, agents, and assigns performed within the course and scope of their employment pursuant to the doctrine of respondeat superior.

DAMAGES

15. Defendants' breach of the aforementioned duties was a proximate and contributing cause and/or concurrent cause of the incident and the resulting injuries to the Plaintiff.

16. As a further direct and proximate cause of Defendants' disregard for Plaintiff's safety and well-being and other negligent acts, Plaintiff suffered bodily injuries and incurred monetary damages. These damages include, but are not limited to the following:

- (a) past/present/future medical expenses;
- (b) past/present/future physical pain and suffering;
- (c) past/present/future mental and emotional distress;
- (d) past/present/future lost wages; and/or
- (e) any other relief, which the Court or jury deems just or appropriate based upon the circumstances.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff demands a trial by jury and judgment against the Defendant for all actual, compensatory, consequential, incidental, economic and non-economic, and punitive damages, as well as damages of any other type available under the law, as determined by a jury.

RESPECTFULLY SUBMITTED, this the 20th day of April, 2022.

KRISTEN CHRISTOPHE, PLAINTIFF
BY: LUNSFORD, BASKIN, & PRIEBE, PLLC

BY: 
ANDREW RUEFF (MSB #103582)
Attorney for the Plaintiff

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